



Linda S. Adams
Secretary for
Environmental Protection

**California Regional Water Quality Control Board
North Coast Region
John W. Corbett, Chairman**

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Arnold
Schwarzenegger
Governor

August 2, 2007

In the Matter of
Water Quality Certification

for the

**VICTOR SUARD,
SUARD SUBDIVISION PROJECT
WDID NO. 1B07070WNSO**

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| APPLICANT: | Victor Suard |
| RECEIVING WATER: | Santa Rosa, Sub Area No. 114.22. |
| HYDROLOGIC AREA: | Russian River Hydrologic Area No. 114.00 |
| COUNTY: | Sonoma County |
| FILE NAME: | Suard Subdivision Project |

BY THE EXECUTIVE OFFICER:

1. On April 12, 2007, Richard Bedford of Bedford/Associates, on behalf of Victor Suard (Applicant), filed an application for water quality certification under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with the Suard Subdivision Project (Project). A fee in the amount of \$500.00 was received on May 22, 2007. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on July 6, 2007, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The proposed project is located at 1036 Calistoga Road, Santa Rosa, Sonoma County, (APN No. 030-180-027). The latitude and longitude is 38.4842°N and -122.6594°W. The purpose of the project is the replacement of an existing 48 inch driveway culvert with a 60 inch culvert to comply with local standards to pass the 10 year storm event as a condition by the City of Santa Rosa for approval of a parcel map. The applicant will subdivide the property into three parcels with the intent to build three single family homes. Future construction of single family homes will be covered under an amendment to this 401 Certification and will be subject to the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP).

Information regarding the SUSMP program can be found at <http://ci.santa-rosa.ca.us/pworks/other/SW/SRSWManualFinalDraft.pdf>.

The project is the replacement of an existing culvert at an existing driveway fill crossing the upper reaches of Ducker Creek. A backhoe will remove the existing rip-rap at the culvert inlet and outlet, excavate the existing driveway embankment at the culvert location, remove the existing 48 inch culvert, install a new 60 inch culvert, backfill with material previously removed, and replace the rip-rap. Disturbed areas of the driveway embankment not covered by rip-rap will be covered by erosion control matting and hydro-seeded with native grasses. Work will be performed with a backhoe and a dump truck from the existing driveway. No equipment will enter the stream bed.

3. On July 25, 2006, the applicant adopted a mitigated negative declaration (State Clearinghouse number 2001012030) for the project in order to comply with CEQA. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment.
4. The applicant has received a California Department of Fish and Game 1600 Streambed Alteration Agreement, on April 19, 2007, Notification Number: 1600-2006-0671-3.
5. Construction Best Management Practices (BMPs) will be incorporated into the final Project plans in order to reduce and control soil erosion. Work in and around waterways will be conducted during the dry season, and will include installation of construction barrier fencing to preclude equipment entry into sensitive areas, installation of silt fencing or fiber rolls to prevent sediment loss from immediate work area, topsoil salvage and reapplication, and seeding and mulching.
6. Applicant has applied for a United States Army Corps of Engineers Nationwide Permits 3, pending.

Receiving Water: Ducker Creek, Sub Area No. 114.22,
Russian River Hydrologic Area No. 114.00

Latitude/Longitude: 38.44842° north, -122. 6594° west

Filled or Excavated Area: Temporary Impacts: 0.002 acres

Expiration: October 15, 2012.

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE SUARD SUBDIVISION PROJECT (FACILITY NO. 1B07070WNSO), as described in the application will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that Applicant complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification is conditioned upon total payment of any fee required under chapter 28, title 23, California Code of Regulations, and owed by the applicant.
4. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification (Enclosed).
5. The Russian River is identified on the State of California Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature. At present, there are no watershed-specific implementation plans for these TMDLs. If TMDL implementation plans are adopted for this watershed prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in such action plans.
6. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b) compliance with all applicable requirements of the Basin Plan.
7. Applicant shall construct the project in accordance with the conditions described in the application and the findings above, and shall comply with all applicable water quality standards.

8. Any change to the operation of the project that would have a significant or material effect on the findings, conclusions, or conditions of this Order shall be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
9. Applicant shall provide Regional Water Board staff access to the project site to document compliance with this Order.
10. Applicant shall provide a copy of this Order and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. Applicant shall be responsible for work conducted by its contractor or subcontractors.
11. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
12. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State.
13. If construction dewatering is found to be necessary, the Applicant shall use a method of water disposal other than disposal to surface waters (such as land disposal) or the Applicant shall apply for coverage under the General Construction Dewatering Permit and receive notification of coverage prior to discharge to surface waters.
14. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States and the State. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the United States. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality.
15. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities, construction activities, or any other project activities that could result in erosion or sediment discharges to surface water.

16. All conditions required by this Order shall be included in the Plans and Specifications prepared by the Applicant for the Contractor. In addition, the Applicant shall require compliance with all conditions included in this Order in the bid contract for this project.
17. All mitigation activities shall be completed as proposed in the application.
18. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order. In response to a suspected violation of any condition of this Order, the Regional Water Board may require the holder of any federal permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
19. The Regional Water Board may add to or modify the conditions of this certification, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
20. This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board. The successor-in-interest must send to the Regional Water Board Executive Office a written request for transfer of this Order to discharge dredged or fill material under this Order. The request must contain the following:
 - a. requesting entity's full legal name
 - b. the state of incorporation, if a corporation
 - c. address and phone number of contact person
 - d. description of any changes to the project or confirmation that the successor-in-interest intends to implement the project as described in this Order.
21. The authorization of this Order for any dredge and fill activities expires on October 15, 2012. Conditions and monitoring requirements outlined in this Order are not

subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please contact Stephen Bargsten of our staff at (707) 576-2653 if you have any questions or need to report any violation of this Order.

Catherine E. Kuhlman
Executive Officer

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Original sent to: Victor Suard, 5360 Stow Circle, Santa Rosa, CA 95409

Copies sent to: Richard Bedford, Bedford/Associates, 320 College Avenue, Suite 224, Santa Rosa, CA 95401

Mr. Bill Orme, SWRCB, Acting 401 Program Manager, Clean Water Act Section 401 Certification and Wetlands Unit Program

Ms. Kimberly Niemeyer, SWRCB, Office of the Chief Counsel

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 1455 Market Street, San Francisco, CA 94103-1398

Mr. Bill Cox, California Department of Fish and Game, P.O. Box 47, Yountville, CA 94599